

## **INSTRUCTIONS FOR BILLBOARD VEGETATION REMOVAL (10/10/07)**

### **Permit Staff Contact Information**

Contact information can be obtained from [www.michigan.gov/mdot](http://www.michigan.gov/mdot).

- Click on doing business on the left side of the page
- Click on Permit in the center of the page under service centers
- Click on Permits Staff Regional Directory in the center of the page under contact information

### **Obtaining MDOT Forms**

Forms can be obtained from [www.michigan.gov/mdot](http://www.michigan.gov/mdot).

- Click on MDOT Forms in the center of the page under favorite links
- Search by the Form number using the search on the left side of the page

### **Certification of Land Owner**

The landowner shall be notified that you will be trimming or removing vegetation. You must obtain certification from the landowner if the land where the cutting is to take place is not owned by MDOT.

### **Survey Permit Operations**

Each survey permit applicant shall obtain an Annual Application and Permit for Miscellaneous Operations within State Trunkline ROW, Form 2205B, or submit an Individual Application and Permit for Use of State Trunkline ROW, Form 2205 for every structure.

#### **Obtaining an Annual Application and Permit for Miscellaneous Operations within State Trunkline ROW, Form 2205B:**

- Annual Application and Permit, Form 2205B.
- Permit Application Fee, Form 2235.
- Certificate of Insurance, Form 2020

Statewide annual permits shall be submitted to the Lansing Real Estate office. District annual permits shall be submitted to the appropriate Transportation Service Center (TSC) Staff.

This permit shall only cover the survey work, no additional work within the ROW shall be allowed under this permit. **Prior to conducting any field operations within the state highway right-of-way, the permit applicant shall send an Advanced Notice of Permitted Activity in the Highway Row (Form 2204), with the Applicable Commercial Sign Permit (Form 2223), and how the plan to access the site to the TSC Staff.**

Obtaining an Individual Application and Permit for Use of State Trunkline ROW, Form 2205:

- Submit the Individual Application and Permit-Use of State Trunkline ROW, Form 2205 to the appropriate Transportation Service Center (TSC) Staff.
  - Include how the site will be accessed.
- Applicable Commercial Sign Permit, Form 2223
- Certificate of Insurance, Form 2020
- \$30.00 Application Fee, Form 2235

Upon receipt and review of the permit application, either the Lansing Real Estate Office or the TSC Staff shall issue the survey permit. This permit shall only cover the survey work, no additional work within the ROW shall be allowed under this permit. **Prior to conducting any field operations within the state highway right-of-way, the permit applicant shall send an Advanced Notice of Permitted Activity in the Highway Row (Form 2204) to the TSC Staff.**

During survey related work, the permit applicant shall perform the following tasks:

- The shoulder shall be marked at the starting and ending locations of the vegetation removal area, and at the 5 second point if different. Do not place markings over pavement markings. These marks shall be annotated with the letters "VRA", and shall not exceed 2 square feet in size.
- Flag trees and individual shrubs proposed for removal with red plastic survey tape, and trees and individual shrubs proposed for trimming with blue plastic survey tape. Each flagged tree shall have its corresponding number from the tree list clearly written on the flagging. Mark shrub masses proposed for removal conspicuously with red plastic survey tape, and shrub masses proposed for trimming conspicuously with blue plastic survey tape.
- Digital photographs of the billboard face shall be taken as close to the traveled roadway as practicable. A photograph shall be taken at the farthest point away from the billboard face (at the beginning of the vegetation clearing area) and a photograph shall be taken every 100 feet as one proceeds towards the billboard, including a photograph taken perpendicular to the billboard face. The photograph size shall not exceed 300 KB. Photos shall be taken after the proposed removal and trimming is marked.
- A list of all trees greater than one and three quarters (1¾) inches in diameter proposed for trimming or removal. The listing shall be by species and diameter, as measured by industry standards. Industry standards are defined as follows: Trees less than six (6) inches in diameter are measured at caliper, which is two inches above ground. Trees greater than six (6) inches in diameter are measured at "diameter at breast height" (d.b.h.), which is 4.5 feet above ground.
- A list of individual shrubs and shrub masses proposed for removal or trimming. The listing shall be by species, height, and area by square footage. This list shall itemize each flagged tree (individual or clump) with the numbers corresponding to the numbers on the proportional plan view (i.e., 1. 6" elm clump; 2. 6" sugar

maple; 3. 3" black locust). As noted above, each tree will have its number clearly written on the flagging.

- A photo of the billboard with the MDOT five digit board identification number clearly visible.
- The Billboard number shall be listed on each sheet submitted as part of the plans (proportional plans view, pictures, list, etc.)
- A proportional plan view of the site shall be created. The plan view shall include the following:
  - A representation of all trees and shrubs flagged and identified on the removal/trimming lists.
  - The continuous, clear and unobstructed view of 5 second shall be marked on the plans, and the limits of vegetation removal/trimming if different.
  - VRA pavement marks (please see the attached sample sketch showing how to mark the vegetation removal area (VRA));
  - Roadway edge of pavement;
  - Roadway name;
  - Right-of-Way boundary and type of ROW;
  - Billboard location;
  - Billboard Permit Number;
  - Survey photograph locations with a north arrow;
  - The speed limit of the roadway,
  - How the site will be accessed; and
  - Location of the Billboard in regards to either the closest mile marker or crossroad.

Note: MDOT may require the applicant to come back and remark the site.

### **Billboard Vegetation Removal Application Documents**

After completing the survey, the applicant may apply for a permit to remove or trim vegetation. The applicant shall need a vegetation removal/trimming permit per viewing side. To apply the permit applicant shall submit the following documents to the TSC Staff:

- Individual Application and Permit-Use Of State Trunkline ROW, Form 2205
- Copy of the issued survey permit (Individual Application and Permit-Use Of State Trunkline ROW, Form 2205) or a copy of the approved Advanced Notice of Permitted Activity in the Highway Row (Form 2204) submitted to the TSC Staff for work completed under the Annual Permit.
- Request for Removal of Vegetation, Form 2231
- Applicable Commercial Sign Permit, Form 2223
- Application fee of \$150.00, Form 2235
- Printouts of digital Photographs – 5 copies
- Proportional plan view – 5 copies

- List of vegetation to be trimmed or removed – 5 copies
- Provide the firm and names of the individuals who have conducted the survey for this permit.

Note: If any of the above information is not provided the Applicant shall receive a letter from MDOT requesting the additional information prior to the application being reviewed.

### **Mitigation**

If mitigation is required the Applicant shall receive a letter from the TSC Staff indicating what needs to be mitigated and the reasoning for the mitigation. The reasoning for mitigation could be one or more of the following:

- a. The vegetation management would have an adverse impact on safety.
- b. The vegetation management would have an adverse impact on operations of the state trunk line highway.
- c. The vegetation management conflicts with federal or state law, rules, or statutory requirements.
- d. The request does not have the approval of the owner of the property.
- e. The vegetation to be managed was planted or permitted to be planted by the department for a specific purpose.
- f. Vegetation would be managed for a newly constructed billboard or vegetation existed that obscured the billboard or would have obscured the billboard before it was constructed.
- g. The management would occur on a scenic or heritage route that was designated on or before the effective date of the amendatory act that added this section.
- h. The application is for a sign that has been found, after a hearing in accordance with section 19, not to be in compliance with this act.
- i. Other special or unique circumstances or conditions exist, including, but not limited to, adverse impact on the environment, natural features, or adjacent property owners.

The applicant is responsible for the development of mitigation plans. These plans need to be developed by a qualified specialist (an individual(s) who meets recognized industry standard, i.e. landscaping architect for landscaping, a soils engineer for soil erosion issues, etc.). The plans shall fully address the issues/concerns for the particular mitigation required. The proposed mitigation must meet or exceed the function of the plant material, which is proposed to be removed.

The applicant shall have 30 calendar days from notification (the date MDOT's letter is sent), to provide the mitigation plans. The applicant can request an extension(s) of 30 calendar days by written request. If an extension is not requested or a mitigation plan is not provided within **30 calendar days**, the applicant shall be required to pay an additional \$150.00 to continue processing. If a response is not received within 90 calendar days, the permit shall be closed.

Upon receipt of the mitigation plans, MDOT shall review to determine if the proposed plan is acceptable or unacceptable. Unacceptable proposals will be returned to the Applicant with a denial letter. Upon receipt of the denied application, the permit applicant has **30 calendar days** to appeal the decision.

### **Billboard Vegetation Removal Application Decision**

The TSC Staff shall return a decision regarding the application to the applicant. The following are possible decisions and the additional information needed for each decision:

- Denial of the permit application:
  - Upon receipt of the decision letter, the permit applicant has **30 calendar days** to appeal the decision.
- Approved permit application:
  - A \$300.00 permit fee, and any additional review or inspection fees, as determined necessary by MDOT (Form 2235)
  - Value of Vegetation
  - \$50,000 Blanket Performance Bond (Form 2232) or \$5,000 Individual Performance Bond (Form 2202)
  - Certificate of Insurance, Form 2020
  - Upon receipt of the decision letter, the permit applicant has **30 calendar days** to respond.
- Approved with modifications to the permit application:
  - A \$300.00 permit fee, and any additional review or inspection fees, as determined necessary by MDOT (Form 2235)
  - Value of Vegetation
  - \$50,000 Blanket Performance Bond (Form 2232) or \$5,000 (this amount may vary depending on the site location) Individual Performance Bond (Form 2202)
  - Certificate of Insurance, Form 2020
  - Revised plans showing the limitation/modification
  - Upon receipt of the decision letter, the permit applicant has **30 calendar days** to respond and/or appeal the decision.

If an application is approved or approved with modifications, and further information is requested, the applicant shall provide the requested information within 30 days of MDOT's notification. Upon receiving the requested information, the TSC Staff shall issue the individual permit for vegetation removal. If the requested information is not provided, the following will occur:

- a. After **30 calendar days (less than 90 calendar days)**: the applicant shall be required to pay an additional \$150.00 to continue processing.

- b. After **90 calendar days**: the file shall be closed.

Blanket and Individual performance bonds can be submitted electronically. Surety companies can access the electronic permit performance surety bond through the website: [www.michigan.gov/mdot](http://www.michigan.gov/mdot).

- Click on Doing Business on the left scan column,
- Click on Permits in the center column.
- Click on the Permit Performance Surety Bond link under Construction Permit Program.

There is a limit of 20 active permits per \$50,000.00 blanket bond. There is a limit of one permit for a one time use per \$5,000.00 (this amount may vary depending on the site location) individual bond. If applicant has an existing blanket bond they wish to use, then they shall provide this number to the TSC Staff when the bond is requested.

If the bond principal is not the permit applicant, then a Certificate of Agency must be submitted which appoints the desired party as agent to act as principal.

The Surety Company will be prompted to print out, sign and mail the bond to the MDOT office address which will appear on the screen. Printing the bond will also print-out the second page which includes the mailing address.

#### **Requesting Reconsideration for Establishing Value of Vegetation**

The applicant may request the reconsideration for establishing the value of vegetation. A written request for reconsideration for establishing the value of vegetation must be filed within 30 calendar days of the decision with the Transportation Service Center (TSC) which sent the decision. This request shall include all documents and rationale used by a professional trained in vegetation management to determine an alternative value.

#### **Appeals**

The Applicant may appeal the decision of the Department. The applicant may appeal the denial, limitation, or mitigation issues. A written request for review & reconsideration must be filed within 30 calendar days of the decision with the Transportation Service Center (TSC) which sent the decision. The written notice of the appeal shall state the specific reasons for the appeal, the rationale behind the appeal, and the specific remedy sought.

#### **Vegetation Removal**

**Prior to conducting any field operations within the state highway right-of-way, the permit applicant shall send an Advanced Notice of Permitted Activity in The Highway Row (Form 2204) to the TSC Staff.** Before proceeding with permitted work, the applicant shall receive the authorization from the TSC Staff. The permit expires 90 calendar days from date of approval, unless otherwise indicated.

All approved vegetation removal and vegetation mitigation operations shall be performed under the direct supervision of an ISA certified arborist.

Upon completion of vegetation removal, applicant shall provide the Completion Notification Card (Form 2205R) to the TSC Utilities and Permit Engineer or designated representative within seven (7) calendar days of completion of work authorized by the permit, so that final inspection may be made.